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Customer No. 22,852
Attorney Docket No. 07040.0209-00000
Amendment Filed -- March 19, 2007

AMENDMENTS TO THE DRAWINGS:

Subject to the approval of the Examiner, Applicants propose to amend Figure 1 to: (a) include a reference to tire 11 and bead 14'; (b) include a reference to bead 19'; (c) to remove the references to 14" and 19", to correct typographical errors; and (d) to remove the reference to "E". Further, Applicants propose to amend Figure 3 to change reference characters "2" to "3" and "33" to "31," to correct typographical errors. The changes to Figures 2 and 3 are indicated in the drawing Replacement Sheets 1/2 and 2/2.

Attached to this paper are drawing Replacement Sheets 1/2 and 2/2 (Figs. 1 and 3).

REMARKS

Applicants submit this Amendment in reply to the Office Action mailed October 19, 2006. In this Amendment, Applicants have amended Figures 1 and 3, amended claims 20, 33, 38, and 39 to more clearly define the invention, and canceled claims 21, 24, 25, 32, and 34-37. Before entry of this Amendment claims 20-39 were pending. After entry of this Amendment claims 20, 22, 23, 26-31, 33, 38, and 39 remain pending.

In the Office Action, the Examiner objected to the drawings and the specification. Further, the Examiner rejected claims 20-23 and 34-39 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,825,286 to Coulthard ("Coulthard"); rejected claims 24, 25, 32, and 33 under 35 U.S.C. § 103(a) as being unpatentable over Coulthard and further in view of U.S. Patent No. 6,662,642 to Breed et al. ("Breed"); and objected to claims 26-31.

Applicants gratefully acknowledge the Examiner's indication that claims 26-31 contain allowable subject matter.

Further, Applicants note that claims 20, 38, and 39 have been amended to recite features previously recited in claims 21, 24, and 32. In particular, claims 20, 38, and 39, as amended, recite "a device for generating electrical energy . . . wherein the electrical energy generating device is capable of supplying electrical energy to the processing unit and to the transmitting device." Additionally, claims 20, 38, and 39 have been amended to recite "wherein the sensing device, the transmitting device, the processing unit, the storage device and the electrical energy generating device are produced on the same substrate." Support for these features can be found in the Applicants' specification at, for example, page 16, ln. 37, through page 17, ln. 5.

Objections to the Drawings

In the Office Action the Examiner objected to Figure 1 for (a) not including a reference for "tire 11;" (b) including a reference to 111 as allegedly "not [being] mentioned in the description;" (c) not including a reference for "bead 14;" (d) including a reference to 14" as allegedly "not [being] mentioned in the description;" (e) not including a reference for "bead 19;" (f) including a reference to 19" as allegedly "not [being] mentioned in the description;" and (g) including a reference to "E" as allegedly "not [being] mentioned in the description." Office Action, pages 2-5. Further, the Examiner objected to Figure 3 for not including a reference to 31. Office Action, pages 5 and 6.

As indicated in the attached drawing Replacement Sheets, Applicants propose to amend Fig 1. to include a reference to tire 11, bead 14', and bead 19', and remove the references to "E," 14", and 19" to correct typographical errors. Regarding the reference to 111 in Figure 1, Applicants respectfully direct the Examiner's attention to page 11, lines 14-15 of the specification, which states that "the carcass is normally covered with a liner 111."

Concerning Figure 3, Applicants have changed the reference characters "2" to "3" and "33" to "31" to correct typographical errors.

In view of the drawing changes discussed above, Applicants respectfully request that the Examiner reconsider and withdraw the objections to the drawings.

Objection to the Specification

The Examiner's objected to the spelling of the term "tyre," however, Applicants respectfully direct the Examiner to M.P.E.P. § 608.01, which states:

Examiners should not object to the specification and/or claims in patent applications merely because applicants are using British English spellings (e.g., colour) rather than American English spellings. It is not necessary to replace the British English spellings with the equivalent American English spellings in the U.S. patent applications. Note that 37 CFR 1.52(b)(1)(ii) only requires the application to be in the English language. There is no additional requirement that the English must be American English.

M.P.E.P. § 608.01 at 600-67 (Rev. 5, August 2006). (Emphasis in original)

According to the American Heritage College Dictionary (3rd. Ed., 1997) at page 1462, the term “tyre” is the “Chiefly British” variation of “tire” (see attached Exhibit A). Further, the Random House Webster’s College Dictionary (2nd. Ed., 2000) at 1415 also refers to “tyre” as the British form of and “tire” (see attached Exhibit B). Thus, correction of the term “tyre” is unnecessary, and Applicants respectfully request that the Examiner withdraw the requirement to change the spelling of “tyre.”

Claim Rejection Under 35 U.S.C. § 102(b)

Applicants respectfully traverse the Examiner’s rejection of claims 20-23 and 34-39 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,825,286 to Coulthard. In order to properly establish that Coulthard anticipates Applicants’ claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

More specifically, Coulthard fails to teach at least “wherein the sensing device, the transmitting device, the processing unit, the storage device and the electrical energy

generating device are produced on the same substrate," as recited in amended claims 20, 38, and 39. (Emphasis added). Indeed, the Examiner concedes that "there is no specific mention of the sensor(s) used in the Coulthard reference that states that the sensors are . . . on a substrate." Office Action, page 10, ¶ 2. (Emphasis added).

Accordingly, claims 20, 38 and 39 are allowable over Coulthard, and claims 21-23 are allowable at least due to their corresponding dependence from independent claim 20.

Claim Rejection Under 35 U.S.C. § 103(a)

Applicants respectfully traverse the Examiner's rejection of claims 24, 25, 32, and 33 under 35 U.S.C. § 103(a) as being unpatentable over Coulthard and further in view of Breed. Applicants submit that claim 20 patentable over Coulthard or Breed. This is true whether each reference is considered alone or in any combination.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

M.P.E.P. § 2142 (8th Ed., Rev. 5, August 2006), p. 2100-125.

A *prima facie* case of obviousness cannot be established because neither Coulthard nor Breed, either taken alone or in combination, teaches or suggests an

"wherein the sensing device, the transmitting device, the processing unit, the storage device and the electrical energy generating device are produced on the same substrate," as recited in amended claim 20. As previously discussed, Coulthard fails to teach such features.

Nevertheless, the Examiner relies on Breed allegedly for teaching "a MEMS sensor [that] is constructed on a substrate." Office Action, page 11. Such disclosure, even if present in Breed, fails to teach or suggest "wherein the sensing device, the transmitting device, the processing unit, the storage device and the electrical energy generating device are produced on the same substrate," as recited in amended claim 20. (Emphasis added).

In particular, Breed discloses that "changes in acceleration can also be used to generate sufficient electrical energy to power a silicon microcircuit. In this configuration, additional devices, typically piezoelectric devices, are used as a generator of electricity." Col. 28, ll. 60-64. Further, Breed discloses that "flexure of a PVDF [piezoelectric] film can be used to supply power to a silicon microcircuit that contains pressure and temperature sensors." Col. 38, ll. 31-32, emphasis added. Thus, the PVDF piezoelectric film in Breed is not incorporated into the microcircuit containing the pressure and temperature sensors. Accordingly, Breed fails to teach "wherein the sensing device, the transmitting device, the processing unit, the storage device and the electrical energy generating device are produced on the same substrate," and thus, does not cure the above-noted shortcomings of Coulthard.

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For at least these reasons, claim 20 is allowable under 35 U.S.C. § 103(a) over Coulthard and Breed and claim 33 is allowable at least due to its dependence from amended claim 20.

Conclusion

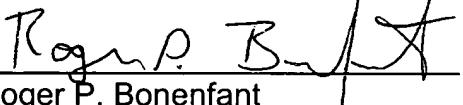
In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 19, 2007

By: 
Roger P. Bonenfant
Reg. No. 58,030

Attachments: Drawing Replacement Sheets 1/2 and 2/2 for Figures 1 and 3
Exhibits A and B

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